IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 104

BY RESOURCES AND ENVIRONMENT COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND SUPPORTING THE CHANGE IN THE WINTER FLOOD CONTROL RULE CURVES OF THE RIRIE RESERVOIR PROJECT TO MORE PROPERLY BALANCE RIRIE RESERVOIR WATER SUPPLY AND IRRIGATION SUPPLIES WITH ADEQUATE FLOOD CONTROL.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the flood control rule curves for Ririe Reservoir were developed prior to the time Ririe storage space was contracted; and

WHEREAS, the storage space in Ririe Reservoir is now contracted to Mitigation, Inc., following the 1990 Fort Hall Indian Water Rights Agreement, and the contracted space has proven to be unreliable and difficult to fill; and

WHEREAS, the Ririe Dam enacting legislation allows for modification of flood control rule curves as additional information becomes available and standard operating procedures state the flood control objective of Ririe Dam is "to provide adequate storage space in the reservoir to regulate stream flow downstream insofar as possible to a non-damaging level, and yet still provide a near full reservoir at the end of the flood season for irrigation and other project purposes"; and

WHEREAS, conditions in the Willow Creek basin have changed since the flood control rule curves were developed, including the establishment of an annual maintenance schedule to keep Willow Creek Canal, Sand Creek Canal, and the Willow Creek Floodway Channel free of ice during the winter and the development of offstream storage facilities, all of which substantially reduce the risk of flooding; and

WHEREAS, the current flood control rule curves do not rely upon current or updated hydrologic conditions on Willow Creek; and

WHEREAS, the standard operating procedures require cooperation between the United States Bureau of Reclamation (USBR), the United States Army Corp of Engineers (USACE), the Idaho Department of Water Resources, the Water District 01 Watermaster, water users, the Idaho Department of Fish and Game, local interests, and others in order to provide maximum benefits for the region; and

WHEREAS, water users of Mitigation, Inc. are dependent upon available water supplies in order to mitigate the impacts to their water supply caused by the Fort Hall Indian Water Rights Agreement, and therefore adjusting the flood control rule curves may increase the reliability of contracted storage supplies in Ririe Reservoir; and

WHEREAS, increased carryover water in upper basin reservoirs, like Ririe Reservoir, benefits water user storage allocations in Water District 01 by holding water high in the storage system and exchanging it with other reservoir storage in order to increase reliability; and

WHEREAS, the USBR and the USACE have completed the phase 1 updated flood risk evaluation and additional water storage and feasibility study at Ririe Reservoir, which has shown how the reevaluation of winter flood control operations could retain flood control benefits while also providing valuable storage benefits during some years; and

WHEREAS, the USBR completed a Draft Environmental Assessment: Ririe Winter Storage Study for Ririe Dam and Reservoir in 2014 that compares No Action to Alternative 1 with a finding of no significant natural resource or socioeconomic impact; and

WHEREAS, legislation, including the Water Infrastructure Improvements for the Nation Act, has been passed by Congress to facilitate efforts to improve and update the Ririe Reservoir winter flood control rule curves by leveraging federal infrastructure for increased water supplies; and

WHEREAS, notwithstanding the compelling reasons for a change in the flood control curves to retain storage in Ririe Reservoir, those involved in the federal government agencies are reluctant to allow reasonable modifications based, in part, on using statistically low probabilities of a flood occurring in Willow Creek, which has never been seen in the history of the basin or region; and

WHEREAS, the Idaho Legislature and the State of Idaho have gone on record as fully supporting additional storage in the State of Idaho and recognize that the Ririe Dam is clearly capable of retaining additional storage without the substantial costs associated with constructing new storage facilities and without increasing the risks imposed on any other reservoir within Water District 01; and

WHEREAS, the Idaho Legislature intends to provide a portion of the current economic surplus enjoyed by the State of Idaho to the Idaho Water Resource Board for projects and studies similar to those of the Ririe Reservoir flood control rule curve modifications and recognizes that the costs associated with those studies and projects are beyond the means available to Mitigation, Inc. to undertake to their conclusion.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Idaho Legislature does hereby resolve to call upon the federal government through its applicable agencies and personnel to finish the flood risk study, which will result in changing the flood control rule curves of the Ririe Reservoir based on the hydrologic analysis completed in phase 1 of the study, to better match the current conditions in the Willow Creek basin and allow for a more dependable contracted storage supply in Water District 01, and to provide for full mitigation of the impacts resulting from the 1990 Fort Hall Indian Water Rights Agreement.

BE IT FURTHER RESOLVED that the Idaho Legislature supports and encourages the Idaho Water Resource Board to consider a proposal to provide financial resources to Mitigation, Inc. to finalize the studies and projects necessary to change the Ririe Reservoir flood control rule curves.

BE IT FURTHER RESOLVED that the Idaho Governor be encouraged to join with the Idaho Legislature in supporting the change in the winter flood control rule curves of the Ririe Reservoir project to more properly balance Ririe Reservoir water supply and irrigation supplies with adequate flood control.